

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Killer Joe Nevada LLC, :
 :
 Plaintiff, :
 :
 v. : Case No. 2:13-cv-848
 :
 : JUDGE EDMUND A. SARGUS, JR.
 : Magistrate Judge Kemp
 John Does 1-15, :
 :
 Defendants. :

ORDER

The docket reflects that the complaint has been served upon two identified defendants and that the time for filing an answer has passed. Further, it reflects that plaintiff has obtained an entry of default with respect to one of these defendants but has not applied to do so with respect to the other.

Local Rule of Court 55.1 provides as follows:

55.1 DEFAULTS and DEFAULT JUDGMENTS

(a) If a party makes proper service of a pleading seeking affirmative relief but, after the time for making a response has passed without any response having been served and filed, that party does not request the Clerk to enter a default, the Court may by written order direct the party to show cause why the claims in that pleading should not be dismissed for failure to prosecute.

(b) If a party obtains a default but does not, within a reasonable time thereafter, either file a motion for a default judgment or request a hearing or trial on the issue of damages, the Court may by written order direct the party to show cause why the claims upon which default was entered should not be dismissed for failure to prosecute.

(c) Nothing in this Rule shall be construed to limit the Court's power, either under Fed.R.Civ.P. 41 or

otherwise, to dismiss a case or to dismiss one or more claims or parties for failure to prosecute.

Pursuant to that Rule, plaintiff is directed to show cause within 14 days from the date of this order why this action should not be dismissed as against the second defendant. The motion shall be accompanied, if appropriate, by a request to enter default pursuant to Fed. R. Civ. P. 55, and a separate motion for default judgment.

/s/ Terence P. Kemp
United States Magistrate Judge